



Federal Communications Commission
Washington, D.C. 20554

July 11, 2003
DA 03-2234

Via certified mail, return receipt requested

Warren C. Havens
2509 Stuart Street
Berkeley, CA 94705

Re: Final Bid Withdrawal Payment for Auction No. 21

Dear Mr. Havens:

As a participant in Auction No. 21, you withdrew high bids on seven licenses during the course of the auction.¹ Auction No. 39, the subsequent auction for the seven licenses on which you withdrew high bids in Auction No. 21, has closed.² Therefore, in accordance with the Federal Communications Commission's ("Commission") rules, we are now able to calculate your final bid withdrawal payment obligations.

Under the Commission's rules, a bidder that withdraws a high bid during the course of an auction is subject to a bid withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of the subsequent winning bid.³ If a high bid is withdrawn on a license that remains unsold at the close of the auction, the withdrawing bidder will be required to make an interim payment equal to three percent (3%) of the net amount of the withdrawn bid.⁴ This payment amount is deducted from any upfront payments or down payments deposited for this bidder's account with the Commission.⁵ If, in a subsequent auction, that license receives a winning bid in an amount equal to or greater than the withdrawn bid amount, then no final bid withdrawal payment will be assessed, and upon appropriate

¹ License Nos. BEA043A (Chattanooga, TN-GA), BEA081A (Pensacola, FL), BEA085A (Lafayette, LA), BEA086A (Lake Charles, LA), BEA087A (Beaumont-Port Arthur, TX), BEA139A (Santa Fe, NM), and BEA165A (Redding, CA-OR). Location and Monitoring Service Auction Closes, *Public Notice*, 14 FCC Rcd 3754 (WTB 1999) ("Auction No. 21 Winning Bidders PN"). During Auction No. 21, you also withdrew high bids on three licenses (BEA012A (Philadelphia-Wilmington-Atlanta), BEA035A (Tallahassee, FL-GA), and BEA166A (Eugene-Springfield, OR-CA)) which you subsequently won in that auction for less than your withdrawn bid amount. *Id.* The final bid withdrawal payment for these three licenses was deducted from the upfront payment amount. *Auction No. 21 Winning Bidders PN*, 14 FCC Rcd 3754 at Attachment B.

² VHF Public Coast and Land Monitoring Service Spectrum Auction Closes, *Public Notice*, 16 FCC Rcd 16213 (WTB 2001) ("VHF Closing PN").

³ 47 C.F.R. § 1.2104(g)(1) (1998).

⁴ 47 C.F.R. § 1.2104(g)(1); *Auction No. 21 Winning Bidders PN*, 14 FCC Rcd 3754 at Attachment C.

⁵ See 47 C.F.R. § 1.2106(e) (1998); *Auction No. 21 Winning Bidders PN*, 14 FCC Rcd 3754.

request, the Commission will refund the interim three percent (3%) payment.⁶ If, in a subsequent auction, the winning bid for that license is less than the bidder's withdrawn bid amount, then the bidder will be required to make a final bid withdrawal payment equal to either the difference between the bidder's net withdrawn bid and the subsequent net winning bid, or the difference between the bidder's gross withdrawn bid and the subsequent gross winning bid, whichever is less.⁷

With respect to your withdrawal of seven high bids in Auction No. 20, because all seven licenses were auctioned in Auction No. 39, the Commission is able to assess the full amount of the final bid withdrawal payment for each license. The cumulative sum of the final withdrawal payments is \$6,395⁸ as shown below and in Attachment A.

Chattanooga, TN-GA	BEA043A	\$494
Pensacola, FL	BEA081A	\$821
Lafayette, LA	BEA085A	\$951
Lake Charles, LA	BEA086A	\$951
Beaumont-Port Arthur, TX	BEA087A	\$886
Santa Fe, NM	BEA139A	\$1,146
Redding, CA-OR	BEA165A	\$1,146
Total Payments		\$6,395

Because the seven licenses were unsold at the close of Auction No. 21, interim bid withdrawal payments equal to three percent (3%) of the withdrawn bids were deducted from any upfront payments or down payments deposited for your account with the Commission. The cumulative sum of these interim bid withdrawal payments was \$395.⁹ Therefore, in accordance with Section 1.2104 of the Commission's rules, after applying the interim bid withdrawal payments of \$395 to your final bid withdrawal payment obligations of \$6,395, you owe an outstanding balance of \$6,000.¹⁰

As a result, you are in debt to the United States in the amount of \$6,000, payable in full, immediately, and without further demand. As permitted under 31 U.S.C. § 3717, the debt is subject to interest, penalties, and administrative costs, and interest accrues from the date of this letter, which is also its mailing date. You may avoid payment of the interest if you tender to the Commission full payment within 30 days of the date of this letter. Moreover, the debt is subject to an additional charge to cover the cost of processing and handling of delinquent debts, and a penalty charge in the amount permitted by law. The penalty charge for delinquent debt payments permitted by 31 U.S.C. § 3717 currently is 6 percent a year for the failure to pay any part of the debt more than 90 days past due.

⁶ 47 C.F.R. § 1.2104(g)(1) (1998).

⁷ *Id.*

⁸ *VHF Closing PN*, 16 FCC Rcd 16213.

⁹ *Auction No. 21 Winning Bidders PN*, 14 FCC Rcd 3754.

¹⁰ 47 C.F.R. § 1.2104(g)(1) ("The 3 percent interim bid withdrawal payment will be applied to any final bid withdrawal payment that assessed at the close of the subsequent auction of the license."). To make a final bid withdrawal payment, you must submit payment in accordance with the instructions set forth in Attachment B.

Mr. Warren C. Havens
July 11, 2003

Ordering Clauses

Accordingly, pursuant to Sections 4(i) and 309 of the Communications Act of 1934 as amended, 47 U.S.C. §§ 154(i), 309, and Section 1.2104 of the Commission's Rules, 47 C.F.R. § 1.2104(g), IT IS ORDERED that Warren C. Havens IS ASSESSED a final withdrawal payment in the amount of \$494 for license BEA043A, \$821 for license BEA081A, \$951 for license BEA085A, \$951 for license BEA086A, \$886 for license BEA087A, \$1,146 for license BEA139A, and \$1,146 for license BEA165A as computed in Attachment A.

IT IS FURTHER ORDERED that pursuant to 47 C.F.R. §§ 1.2104 and 1.2106 of the Commission's rules, Warren C. Havens' interim bid withdrawal payments of \$395 will be applied towards the sum of its final bid withdrawal payments of \$6,395 from Auction No. 21, leaving Warren C. Havens with a debt to the Commission of \$6,000.

IT IS FURTHER ORDERED that Warren C. Havens' debt of \$6,000 be paid in full immediately, in accordance with the payment instructions in Attachment B within 30 days of the date of this letter, and if it is unpaid 30 days of the date of this letter, interest will accrue from the date of this letter along with penalties and administrative costs permitted by 31 U.S.C. § 3717.

IT IS FURTHER ORDERED that this letter shall be sent to the applicant and its representatives by certified mail, return receipt requested. This action is taken pursuant to authority delegated by Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331.

Sincerely,

Kelly Quinn, Deputy Chief
Auctions and Industry Analysis Division
Wireless Telecommunications Bureau

cc: Paul C. Besozzi, Esq.
Patton Boggs, LLC
2550 M Street, N.W.
Washington, DC 20037

Mr. Warren C. Havens
July 11, 2003

Attachment A

**Location and Monitoring Service Auction
Multi-Auction Withdrawal Payment/Refund Report**

License Number/ Market Description	Auction 39 Net High Bid	Auction No. 21: Warren C. Havens' Withdrawn Net High Bid	Auction No. 39: Warren C. Havens' Withdrawal Payment
BEA043A (Chattanooga, TN-GA)	\$1,430	\$1,983	\$494
BEA081A (Pensacola, FL)	\$975	\$1,852	\$821
BEA085A (Lafayette, LA)	\$845	\$1,852	\$951
BEA086A (Lake Charles, LA)	\$845	\$1,852	\$951
BEA087A (Beaumont-Port Arthur, TX)	\$910	\$1,852	\$886
BEA139A (Santa Fe, NM)	\$650	\$1,852	\$1,146
BEA165A (Redding, CA-OR)	\$650	\$1,852	\$1,146
		Total Final Withdrawal Payments:	\$6,395
		Less Total Interim Withdrawal Payments:	(\$395)
		Total Amount Due:	\$6,000

Attachment B

PAYMENT INSTRUCTIONS

The following information is being provided to assist you in making your payment.

All payments must be made in U.S. currency in the form of a wire transfer. No personal checks, cashier's checks, or other forms of payment will be accepted. Wire transfer payments must be received by Mellon Bank by 6:00 PM Eastern Time, no later than thirty days from the date of the ORDER; however, if the 30th day falls on a non-business day, e.g., Saturday, Sunday or holiday, it is due the next business day. Applicants must allow sufficient time for the wire transfer to be initiated and for the transmission to be completed prior to the deadline. To submit funds by wire, applicants will need the following information to properly effect the transmittal:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/Account #911-6106
OBI Field: (Skip one space between each information item)
"AUCTIONPAY"
FCC REGISTRATION NO. (FRN) (same as FCC Form 159, Block 11 and/or 21)
PAYMENT TYPE CODE (enter "APEN") same as FCC Form 159, Block 24A
FCC CODE 1 (same as FCC Form 159, Block 28A: ("21"))
PAYOR NAME (same as FCC Form 159, Block 2)
LOCKBOX No.: 358850

A completed FCC Remittance Advice Form (FCC Form 159, Version 2/00) must accompany payments. On the same business day that the applicant submits payment to Mellon Bank, the applicant must submit a completed FCC Form 159 via facsimile at (412) 209-6045, at least one-hour prior to placing the order for the wire transfer. The specified debt is due and payable to the United States immediately and without demand, and it is subject to interest, penalties, and additional administrative costs. Interest accrues from the date of the letter; however, to avoid the payment of charges (i.e., interest, penalties, and administrative costs) and enforced collection, full payment must be made and received within 30 days from the date of the letter. Debtor's failure to make complete timely payment will result in assessment of such charges permitted by 31 U.S.C. § 3717.

For questions regarding the submission of payment, and the FCC Form 159, contact Gail Glasser or Tim Dates, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-0578 or (202) 418-0496.